IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.8704 OF 2004

Shri Gulab Mohammed Abaso Aglawane, .. Petitioner

Vs

1. Shri Gurukripa Nagari Co-op Society Ltd and ors. .. Respondents

Mr S.S.Shah, for the petitioner.

Mr A.H.Palekar, AGP for the respondent no.3.

CORAM : D.B.BHOSALE,J.

DATE : 28th October, 2004.

PC:

1. Heard the learned counsel for the parties.

2. This petition is directed against the orders passed in the proceedings under section 101 of the Maharashtra Co-operative Societies Act,1960 (for short, "the Act"). The petitioner has a remedy of revision under section 154 of the Act against the order impugned in the present writ petition. Mr.Shah, learned counsel for the petitioner, when was confronted with this, fairly stated that the petitioner is prepared to file revision before the Divisional Joint Registrar by depositing 50% amount of the total amount of recoverable dues with the

respondent-Bank as required under sub-section 2(A) of section 154 of the Act, within four weeks from today. He further states that the petitioner has already deposited Rs.35,000/- with the respondent Bank after issuance of the recovery certificate under section 101 of the Act.

3. After having considered the submissions of the learned counsel appearing for the parties, I am satisfied that the following order will meet the ends of justice.

(a) The petitioner to deposit 50 percent of the total amount of the recoverable dues with the respondent-Bank, after deducting the amount, if any, paid earlier, within four weeks from today.

(b) On depositing the amount aforestated, the Divisional Joint Registrar, Co-operative Societies, Kolhapur, will entertain the revision filed by the petitioner against the recovery certificate issued under section 101 of the Act without entering into an issue of limitation and decide the same on merits in accordance with law expeditiously. It is open for the respondent-Bank to attach the property, in pursuance of the notice issued

earlier, subject to condition that the petitioner shall not be dispossessed from the said property. The respondent-Bank will have a liberty to proceed further if the petitioner fails to deposit the amount aforestated within the timeframe.

4. The petition is, accordingly, disposed of.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.)